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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,314	04/24/2001	Keith Clark	LINCP103US	6029

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,314

Applicant(s)

CLARK ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12, 20, 22, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12, 20, 22, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 7-12, 20, 22, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Blankenship (US 6,624,388).

Blankenship et al. disclose a welding system, substantially as claimed, wherein a Welding Node / Cell (20, 24, 28, 304) communicates with a wireless communication device (30, 310) / another welding node / cell (20, 24, 28, 30, 304, 310) via Bluetooth – a frequency adjusting wireless protocol. See Figs. 1-6, col. 1, lines 5-12, and col. 6, lines 15-67.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 7-12, 20, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beiermann et al. (US 6,479,792) in view of Nevo et al. (US 6,600,726).

Beiermann et al. disclose a welding system comprising first (10) and second (11) welding cells/nodes (see Figs. 1-2) - with communication between gateway interface device (28) and gateway (30) or other interfaces (28) - and provide for an alternative embodiment wherein the communication is wireless (RF). See col. 1, lines 34-67, col. 2, lines 30-55, col. 3, line 52 - col. 4, line 10, and col. 4, line 63 - col. 6, line 67.

Beiermann et al. fail to explicitly recite wherein the wireless communication is a frequency adjusting wireless protocol or Bluetooth.

In an analogous art, Nevo et al. teach that, at the time the invention was made, Bluetooth had become a leading candidate to perform wireless communication to replace attachment cables used for networking cables and the lines. See col. 1, lines 22-50. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Beiermann et al. by specifically replacing the connections/performing the communication between the gateway interface (28) and the gateway (30) or other interfaces (28) via Bluetooth (a frequency adjusting wireless protocol), as taught by Nevo et al. for the purpose of conforming to the leading industry standard - as suggested by Nevo et al.

Response to Arguments

5. Applicant's arguments filed on 8/12/04 have been fully considered but they are not persuasive.

With respect to the rejection of claims 1-26 based on Blankenship, Applicant argues that the reference is ineffective as prior art because the present invention was reduced to practice prior to the effective date of the reference, as described in the submitted declaration under 37 C.F.R. 1.131.

Examiner respectfully disagrees. According to 37 C.F.R. 1.131(b), "[t]he showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice

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or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained.” Although the January 26, 2001 e-mail which accompanies the submitted declaration does mention the title of the present invention, the e-mail does not contain sufficient details such as a description or a set of drawings related to the invention that would constitute a showing of facts that, in character and weight, establish reduction to practice or conception of the invention prior to the effective date of Blankenship. Nor has Applicant explained the absence of such drawings or records. For these reasons, Applicant’s submission fails to meet the requirements of 37 C.F.R. 1.131. Accordingly, Blankenship is maintained as a prior art reference in the rejection of claims 1-26.

With respect to the rejection of claims 1-26 based on Beiermann and Nevo, Applicant argues that neither reference teaches a first welding node/cell communicating wirelessly with a second welding node/cell.

Examiner respectfully disagrees. Beiermann discloses wireless communication as an alternative for the welding machines 10 and 11 to communicate with the gateway 30. Each of the welding machines can also have a unique internet address that allows them to communicate with each other. See col. 4, lines 3-9 and col. 5, lines 35-60. Therefore, Beiermann discloses wireless communication between first and second welding nodes/cells.

With respect to the rejection of claims 20-21, Applicant argues that neither Beiermann nor Nevo discloses a monitoring system used to place welding nodes into a fail safe condition.

Examiner respectfully disagrees. Nevo teaches that when devices 104a and 104b, corresponding to first and second welding nodes, are placed sufficiently close to each other,

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transmissions reach an interference threshold and failure occurs. To avoid this occurrence, devices 104a and 104b are monitored and controlled to proactively reduce interference, and are thus placed in a fail safe condition. See col. 7, lines 4-40.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


SONNY TRINH
PRIMARY EXAMINER